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Attorney's Docket No.: 07759-033001 / 4480 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Atwood et al. Art Unit : 3621
Serial No. : 09/075,392 Examiner : Firmin Backer
Filed : May 8, 1998
Title : IMPROVEMENTS IN THERMAL CYCLER FOR PCR

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

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RESPONSE TO RESTRICTION REQUIREMENT

The Office Action of July 8, 2004 required restriction to one of Groups I through V.

Applicant hereby elects corrected Group I, namely, claims 1, 3-27, 33, 44 and 45.

However, the requirement for restriction is not understood. Similar claims were pending previously in the case and were examined without any restriction requirement being made, in the Office Action mailed May 9, 2000 and in the Final Office Action mailed March 27, 2002. It is urged that since no restriction requirement was made previously, all claims should again be examined now and the restriction requirement should be withdrawn.

Finally, it must be noted that the list of claims given in the Action is incorrect. The presently pending claims are nos. 1, 3-33 and 44-45. Claims 2 and 34-43 have been cancelled previously. Accordingly, the Group I claims should have included claim nos. 1, 3-27, 33, 44 and 45, not 1-27, 33, 44 and 45.

Examination of all pending claims is proper and is urged in this application.

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Respectfully submitted,

Date: 8/3/2004

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